

# IN THE MICHIGAN COURT OF APPEALS

## ORDER

Re: **People of MI v Jacob Joseph Appenzellar**  
Docket No. **280851**  
L.C. No. **2001-001849-FH & 2001-001851-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal filed on September 26, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the October 18, 2005 order denying appellate counsel as required by MCR 7.205(F)(3). As clearly recognized by the trial court, regardless of the title placed on the motion that resulted in the September 5, 2007 order; what was filed was an untimely motion for reconsideration. This Court would note that nothing had changed factually or legally between the time the motion that resulted in the October 18, 2005 order, was filed and the time the motion that resulted in the September 5, 2007 order was filed. Also there was no *Halbert* violation as defendant was informed that he was entitled to appellate counsel if timely requested. *Halbert* does not prohibit the establishment of a time period when the request for counsel must be made.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 18 2007

Date

*Sandra Schultz Mengel*

Chief Clerk